IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 854 OF 2005

IN

FIRST APPEAL NO. 284 OF 2004

THE EXCUTIVE ENGINEER, MARGAO GOA ....Applicant

Versus

SMT. SUNITA R.S. KAKODKAR, ...Respondent
REPRESENTED BY SHRI CHANDRESHEKAR
R.S. KAKODKAR,

Mr. Guru Shirodkar, Aga for the Applicant.
Shri T. Pereira, Advocate for R.1(a) to 1(e).

Coram:- A. P. LAVANDE, J.

Date:- 16th March, 2006

P.C.:

Heard Mr. Shirodkar, for the Applicant and Mr. Pereira, for the proposed legal representatives of the original respondent.

2. By this application the applicant/appellant seeks to set aside the abatement, and also seeks condonation of delay in bringing the legal representatives of deceased respondent on record. There is also a prayer for bringing the legal representatives of the deceased respondent on record. This Court, by Order dated 23rd September, 2005 dismissed First Appeal No.284/04 as abated since no steps were taken by the appellant to bring on record the legal representatives of the sole respondent, who had expired on 7.3.05. According to the applicant, the representatives of the applicant took some time to collect the names of the legal representatives of the deceased respondent and after getting the names, they were forwarded to Advocate Shri M.S. Joshi who was appearing on behalf of

the Government. As Advocate Joshi was hospitalised for some time, the case was handed over to the Addl. Govt. Advocate Shri Shirodkar on 27.10.05. Shri Shirodkar after getting all the relevant documents filed the present application on 18.11.05. According to Shri Shirodkar, there is sufficient cause for setting aside the abatement as well as for condoning the delay in bringing the legal representatives of the deceased respondent on record.

3. According to Mr. Pereira, the learned counsel appearing for the proposed legal representatives of the respondent, there is absolutely no cause shown for setting aside the abatement as well as for condoning the delay in bring Legal representatives on record.

4. I have considered the submissions made by the learned counsel for the parties. By now it is well settled by a catena of decisions by the Apex Court that the term "sufficient cause" has to be liberally construed when the Court has to deal with Government matters. Useful reference can be made in this connection to the Judgment of the Apex Court reported in the case of State of Nagaland v. Lipok Ao and Others reported in (2005) 3 SCC 752. In the light of the settled principle laid down by the Apex Court, I am inclined to set aside the abatement and condone the delay in bringing the legal representatives of the deceased respondent on record, subject however to payment of costs of Rs.1500/- in favour of the legal representatives of the deceased respondent. The appellant/applicant is permitted to bring on record the L.Rs. of the respondent mentioned in the cause title of the application within a period of two weeks from today. The amendment to the cause title to be carried out within two weeks. Th costs of Rs.1500/- shall be deposited within a period of two weeks. Upon deposit being made, the respondents are at liberty to withdraw the costs.

Application stands disposed of.

A. P. LAVANDE, J.

sl.